IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 402 of 2004(W)

PETITIONER:

PARAPPIL ABDU, S/O. KUNHAHAMMAD HAJI,
KAITHAKKARA, ANANTHAVOOR, TIRUR TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

P.A.KHADER, S/O. KUNHIMOHAMMED,
PULIKKALAKATH, P.O. TIRUR, MALAPPURAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of the registered lease deed taken by the respondent dated 12-11-1969.

Ext.P2: True copy of the deposition of order of the Rent Control Court, Tirur in R.C>P 22/88 dated 24-11-1990.

Ext.P3: True copy of the judgment of the Rent Control Appellate Authority in R.C.A. 7/91 dated 13-3-1995.

Ext.P4: True copy of the notice issued by the petitioner to the Respondent dated 20-3-1999

Ext.P5: True copy of the notice sent by Respondoent to the petitioner on 30-3-1999.

Ext.P6: True copy of the R.C.P No. 43/99 dated 30-10-1999 filed by the petitioner before the Rent control Court Tirur

Ext.P7: True copy of the affidavit in support of the application dated 15-8-2000 filed by the respondent

Ext.P8: True copy of I.A. 1929/2003 filed by the respondent dated 29-9-2003

Ext.P9: True copy of the counter filed by the petitioner dated 7-10-2003.

Ext.P10: True copy of the order of the Rent Control Court, Tirur inI.A. 1929/2003 in R.C.P 43/99 dated 13-10-2003.

//True copy//

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.402 of 2004-W

Judgment

Balakrishnan Nair, J.

This Court ordered to issue notice in the Writ Petition on 07.01.2004. The notice to the respondent returned unserved, stating “not known”. On 09.11.2004, this Court granted two weeks' time to the petitioner to cure the defect. Thereafter, no steps for issuing fresh notice were taken by the petitioner and therefore, notice could not be served. In view of the said position, the Writ Petition is dismissed for non-prosecution.

K.BALAKRISHNAN NAIR,JUDGE

11.09.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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